



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1762

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MEDIA BUREAU ACTION

COMMENT DATES ESTABLISHED FOR CAMPAIGN FOR A COMMERCIAL-FREE CHILDHOOD PETITION FOR A DECLARATORY RULING THAT A PROGRAM TO BE AIRED BY NICKTOONS VIOLATES THE CHILDREN'S TELEVISION ACT AND THE FCC'S RULES AND POLICIES

MB Docket No. 10-190

Comment Date: October 22, 2010

Reply Comment Date: November 8, 2010

Campaign for a Commercial-Free Childhood ("CCFC") has filed a petition requesting that the Commission issue a declaratory ruling that the children's program "Zevo-3," scheduled to be aired by the children's cable and satellite network Nicktoons, is a program-length commercial and that its transmission would violate both the Children's Television Act of 1990 ("CTA") and certain of the Commission's rules and policies limiting the amount and kind of advertising in children's television programs.¹ According to CCFC, "Zevo-3" features characters originally developed by the shoe manufacturer Skechers USA to promote the sale of Skechers shoes to children. CCFC argues that the entire program "Zevo-3" is a promotion for Skechers shoes and that the program therefore violates, among other things, the limit on the amount of advertising in children's programming in the CTA and the Commission's rules.² Through this *Public Notice*, we seek comment on CCFC's petition.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.³

Interested parties may file comments on or before **October 22, 2010** and reply comments on or before **November 8, 2010**. All filings must reference **MB Docket No. 10-190**. Comments sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments

¹ Petition for Declaratory Ruling, filed by Campaign for a Commercial-Free Childhood at 1 (filed September 14, 2010).

² *Id.* at 1, 11-16.

³ 47 C.F.R. § 1.1206.

may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 10-190. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filing to Kim Matthews, Media Bureau, Room 4-A813, 445 12th Street, S.W., Washington, D.C. 20554 or kim.matthews@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in MB Docket No. 10-190 are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St., S.W., Room CY-A257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., telephone (202) 488-5300, facsimile (202) 488-5563, or via email at fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322, 11326, ¶ 8 (1998).

For further information, contact Kim Matthews, (202) 418-2154. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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